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Security Council

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Resolution 1865 (2009)

Adopted by the Security Council at its 6076th meeting, on 27 January 2009

The Security Council,

Recalling its previous resolutions, in particular resolutions 1739 (2007), 1765 (2007), 1795 (2008), 1826 (2008) and 1842 (2008) relating to the situation in Côte d'Ivoire, and resolution 1836 (2008) on the situation in Liberia,

Recalling also the statements of its President relating to the situation in Côte d'Ivoire and in particular that, in the statement dated 7 November 2008 (S/PRST/2008/42), it took note that the delays that had occurred since the launch of the identification and voter registration process had proven greater than expected and expressed its deep concern about a possible third consecutive delay of the presidential elections since the signature of the Ouagadougou political Agreement,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou political Agreement", S/2007/144), and the three following Supplementary Agreements, as recommended by the African Union,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou political Agreement follow-up mechanisms, *commending and encouraging* the continued efforts of the African Union and the Economic Community of West African States ("ECOWAS") to promote peace and stability in Côte d'Ivoire, and *reiterating* its full support for them,

Stressing again the importance of the international consultative organ participating in the meetings of the evaluation and monitoring committee, as an observer,

Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and *expressing its intention* to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

09-22201 (E)

Having taken note of the report of the Secretary-General dated 8 January 2009 (S/2009/21),

Recalling its resolution 1674 (2006) on the protection of civilians in armed conflicts and *condemning* all violations of international humanitarian law,

Noting with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, and *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Recalling its resolution 1612 (2005) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of Côte d'Ivoire (S/AC.51/2008/5), and *expressing* its deep concern that children continue to suffer from various forms of violence,

Recalling also its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, *condemning* any sexual violence, stressing again the importance of women's equal participation and full involvement in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and *encouraging* the Secretary-General to mainstream a gender perspective in the implementation of the mandate of the United Nations Operation in Côte d'Ivoire ("UNOCI"),

Emphasizing the importance of the continuing support of the United Nations system and the international community for strengthening the capacity of the Government of Côte d'Ivoire and of the electoral bodies to organize the electoral process,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

("Supporting the Ouagadougou political process")

1. *Welcomes* the progress of the operations of identification of the population and of registration of voters and calls upon the Ivorian parties to continue to take immediately and as a priority the concrete steps necessary to complete these operations before the end of February 2009;

2. *Takes note* with deep concern that the presidential election scheduled for the 30 November 2008 has been postponed, pursuant to the communiqué of the 10 November 2008 of the permanent consultative framework established by the Ouagadougou political Agreement (S/2008/694);

3. *Urges* the Ivorian political actors to find without delay an agreement on a new and realistic time frame leading quickly to free, open, fair and transparent elections, recalls that this time frame should elaborate some key stages such as the publication of the provisional and final versions of the electoral list, the fabrication and distribution of the identity and voter's cards and the date of the presidential elections, and *urges again* the President of the Independent Electoral Commission to

share publicly such a timeline, as requested in the statement of President of the Security Council dated 7 November 2008 (S/PRST/2008/42) and pursuant to the communiqué of the permanent consultative framework mentioned in paragraph 2 above;

4. *Expresses its intention* in this regard to examine as soon as possible the new time frame referred to in paragraph 3 above, which will bind the Ivorian political actors and reflect their level of political commitment towards free, open, fair and transparent elections, and *reiterates* its determination to bring its full support to a credible electoral process in Côte d'Ivoire;

5. *Encourages* the Government of Cote d'Ivoire to make available to the Ivorian institutions involved in the electoral process the necessary resources, and *encourages* the international community to continue their support to the electoral process, including by providing, with the agreement of the Ivorian authorities, electoral observation capacity and related technical assistance;

6. *Welcomes* the signature on 22 December 2008 by President Laurent Gbagbo and Mr. Guillaume Soro, under the facilitation of President Blaise Compaoré of Burkina Faso, of the fourth Supplementary Agreement to the Ouagadougou political Agreement (S/2008/834);

7. *Takes note* of the delays occurred in the implementation of the fourth Supplementary Agreement referred to in paragraph 6 above and urges the Ivorian parties, pursuant to this Agreement, to make progress, including in order to create a secure environment for the holding of elections, in the disarmament and dismantling of militias, the cantonment and disarmament, demobilization and reintegration programme, the unification and restructuring of defence and security forces and the restoration of State authority throughout the country;

8. *Urges* also the Ivorian parties to implement the processes mentioned in paragraph 7 above in accordance with internationally agreed standards and *calls upon* the international donors to continue to provide their support to them, as appropriate;

9. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution 1842 (2008), including among other things against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and *recalls* further that, pursuant to paragraph 6 of the above mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.33, and 2.11 of the Ouagadougou political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution 1572 (2004);

10. *Urges* again the political parties to comply fully with the Code of Good Conduct for elections which they signed under the auspices of the Secretary-General, and in particular *urges* the Ivorian authorities to allow equitable access to public media;

11. *Calls upon* all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou political Agreement as well as the post-conflict reconstruction and recovery phases,

including continued monitoring and reporting of the situation of women and children and that all reported abuses are investigated and those responsible brought to justice;

12. *Calls also upon* all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence;

13. *Stresses the importance* of an inclusive participation of the Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect for human rights of every Ivorian as they relate to the electoral system, and in particular of removing obstacles and challenges to women's participation and full involvement in public life;

14. *Urges* the signatories of the Ouagadougou political Agreement to take the necessary steps to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Ouagadougou political Agreement and their obligations under international humanitarian law;

("Renewing the mandate the United Nations Operation in Côte d'Ivoire and the French forces which support it")

15. *Decides* to renew the mandates of UNOCI and of the French forces which support it, as determined in resolution 1739 (2007), until 31 July 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections;

16. *Endorses* the recommendation contained in paragraphs 46 and 61 of the report of the Secretary-General dated 8 January 2009 (S/2009/21) and *decides* to reduce the level of authorized military personnel from 8115 to 7450;

17. *Requests* UNOCI, within its existing resources, to support actively the full implementation of the Ouagadougou political Agreement and its Supplementary Agreements, including the fourth Supplementary Agreement, and in particular to continue to contribute to bringing the security needed by the peace process, including by supporting the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and by the electoral process and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections;

18. *Endorses* to this end, taking into consideration the progresses achieved by the Ivorian parties in the implementation of the peace process and of the electoral process as well as the remaining challenges, the recommendations on UNOCI posture and configuration contained in paragraphs 48 to 54 and in paragraphs 61 of the report of the Secretary-General dated 8 January 2009 (S/2009/21);

19. *Endorses further* the benchmarks proposed by the Secretary-General in the paragraph 47 of its report dated 8 January 2009 (S/2009/21) for a possible further drawdown, *requests* the Secretary-General to monitor progress on their achievement, *encourages* him to continue to refine and update these benchmarks

and to report to the Security Council, and *expresses its intention* to review these benchmarks before the 31 July 2009;

20. *Reiterates* its full support to the efforts of the Special Representative of the Secretary-General in Côte d'Ivoire, *recalls* that he shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, *requests* UNOCI to continue to sensitize actively the Ivorian population to this certification role and *reaffirms* its support to the five-criteria framework elaborated by the Special Representative and referred to in document S/2008/250;

21. *Recalls* that the publication of the electoral list is a crucial step in the electoral process, *calls upon* the Independent Electoral Commission, the technical operators, the authorities of Côte d'Ivoire and the political parties to redouble their efforts in this regard and *requests* the Special Representative of the Secretary-General to certify it explicitly;

22. *Commends* the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and *requests* UNOCI to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou political Agreement and paragraphs 8 and 9 of the third Supplementary Agreement;

23. *Reaffirms* its intention, as expressed in Resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and UNOCI on a temporary basis and in accordance with the provisions of resolution 1609 (2005), as recommended by the Secretary-General in paragraphs 52 and 62 his report dated 8 January 2009 (S/2009/21);

24. *Underscores* the importance that the military concept of operations and rules of engagement be regularly updated and be fully in line with the provisions of this resolution, in particular paragraphs 15 and 17 above and *requests* the Secretary-General to report on them to the Security Council and Troop Contributing Countries;

25. *Requests* UNOCI to continue to contribute, pursuant to paragraph 2 (k) of its resolution 1739 (2008), to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, and to continue to support the efforts all parties should take pursuant to OP 12 above, and *requests further* the SG to continue to include in his reports to the Security Council relevant information on progress in this area;

26. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

27. *Requests* the Secretary-General to keep it regularly informed, at least every three months, of the situation on the ground, including a specific update on

the security situation, and of the preparation of the electoral process, including the process of the establishment of the electoral list;

28. *Requests further* the Secretary-General to inform the Security Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 19 above;

29. *Expresses* its intention to review by 31 July 2009 the mandates of UNOCI and the French forces which support it, the level of troops of UNOCI and the benchmarks referred to in paragraph 19 above, in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and *requests* the Secretary-General to provide to it a report to this end three weeks before this date;

30. *Decides* to remain actively seized of the matter.